

Sunset Public Hearing Questions for
Ocoee River Recreation and Economic Development Fund Board
Created by Section 11-8-104, *Tennessee Code Annotated*
(Sunset termination June 2019)

1. Please provide a brief overview of the Ocoee River Recreation and Economic Fund Board, including information about the board's creation, statutory duties, administrative attachment, and staff.

In 2017, the General Assembly enacted the Ocoee River Recreation and Economic Development Fund Act (Public Chapter 434). The Ocoee River Recreation and Economic Development Fund Board (the Board) was created on July 1, 2018 pursuant to Tenn. Code Ann. §11-8-104. The Board consists of nine voting members and six ex-officio, nonvoting members. The Board is attached to the Tennessee Department of Environment and Conservation (TDEC) for administrative purposes. The Board has no staff. The primary duty of the Board is to manage the Ocoee River Recreation and Economic Development Fund (the Fund), but the Board is also authorized to apply for grant funding, request contributions, establish a nonprofit organization, enter into contracts, conduct studies, and adopt policies. The purposes of the Fund include supporting recreational water releases on the Ocoee River, providing for the management of the Ocoee River by Tennessee State Parks, and encouraging the economic growth of the Ocoee River.

2. Provide a list of board members that have been appointed to date and describe how membership complies with *11-8-104, Tennessee Code Annotated*. Are there any vacancies on the board?

Please see the chart below detailing the membership of the Board. There are no vacancies on the Board.

Member Name	Representative Of	Appointment By / Voting
Angelo Giansante (Park Manager)	The manager of the Hiwassee/Ocoee State Park (Tenn. Code Ann. § 11-8-104(b)(1)(A))	Ex officio, voting member
Comptroller Justin Wilson, or designee	The Comptroller of the Treasury, or designee (Tenn. Code Ann. § 11-8-104(b)(1)(B))	Ex officio, voting member
Treasurer David Lillard, or designee	The State Treasurer, or designee (Tenn. Code Ann. § 11-8-104(b)(1)(C))	Ex officio, voting member
Robby Hatcher (County Executive)	The Polk County Mayor (Tenn. Code Ann. § 11-8-104(b)(1)(D))	Ex officio, voting member
Melissa Woody (Cleveland Chamber)	Represents economic development interests (Tenn. Code Ann. § 11-8-104(b)(1)(E))	Governor appoints, voting member
Tim Henderson	Represents private boater interests (Tenn. Code Ann. § 11-8-104(b)(1)(F))	Governor appoints, voting member
Keith Jenkins	Ocoee River management zone	Governor appoints, voting

(Quest Expeditions)	commercial permit holders (Tenn. Code Ann. § 11-8-104(b)(1)(G))	member
Lamar Davis (Outland Expeditions)	Ocoee River management zone commercial permit holders (Tenn. Code Ann. § 11-8-104(b)(1)(G))	Governor appoints, voting member
Ryan Cooke (Ocoee Inn & Marina)	Ocoee River management zone commercial permit holders (Tenn. Code Ann. § 11-8-104(b)(1)(G))	Governor appoints, voting member
Commissioner Shari Meghreblian, or designee	The Commissioner of Environment and Conservation, or designee (Tenn. Code Ann. § 11-8-104(b)(2)(A))	Ex officio, nonvoting member
Commissioner Kevin Triplett, or designee	The Commissioner of Tourism, or designee (Tenn. Code Ann. § 11-8-104(b)(2)(B))	Ex officio, nonvoting member
Commissioner Bob Rolfe, or designee	The Commissioner of Economic and Community Development, or designee (Tenn. Code Ann. § 11-8-104(b)(2)(C))	Ex officio, nonvoting member
Director Ed Carter, or designee	The Executive Director of the Wildlife Resources Agency, or designee (Tenn. Code Ann. § 11-8-104(b)(2)(D))	Ex officio, nonvoting member
Representative Dan Howell (House District 22)	The Member of the House of Representatives whose legislative district includes the majority of the Ocoee River management zone (Tenn. Code Ann. § 11-8-104(b)(2)(E))	Ex officio, nonvoting member
Senator Mike Bell (Senate District 9)	The Member of the Senate whose legislative district includes the majority of the Ocoee River management zone (Tenn. Code Ann. § 11-8-104(b)(2)(F))	Ex officio, nonvoting member

- Is the board subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes?

Yes. The Board constitutes a “governing body” under Tenn. Code Ann. § 8-44-102(b)(1)(A) and is subject to the requirements under Tenn. Code Ann. §§ 8-44-103 and 8-44-104.

- What policies does the board have in place to address potential conflicts of interest by board members, staff, and employees?

The Board will have its first meeting in October. At the first meeting, the Board members will adopt a conflicts of interest policy as required by Tenn. Code Ann. § 11-8-105(d).

- Per Section 11-8-108, *Tennessee Code Annotated*, any appropriations made in the general appropriations act for fiscal year 2017-2018 and allocated to the development fund shall

be held in the fund until all contracts and memorandums of understanding have been entered into by state, federal, and private entities to ensure the continued release of water for recreational purposes on the Ocoee River beyond the year 2018. What is the status of these appropriations?

The contract for the water purchase between the State and the Tennessee Valley Authority was finalized in June 2018 and a payment of \$11.78 million has been made to the Tennessee Valley Authority. The direct appropriation in the FY2017-2018 budget for water purchase from the Tennessee Valley Authority was not allocated to the Fund and no additional monies have been allocated to the Fund, thus there are no active or pending contracts or memorandum of understanding related to the Fund.

6. Describe any items related to the board that require legislative attention and your proposed legislative changes.

None at this time.

7. Should the board be continued? To what extent and in what ways would the absence of the board endanger the public health, safety or welfare of Tennessee citizens?

Yes, the Board should be continued. The Board was created as of July 1, 2018 and the first meeting has not yet occurred. In order for the purposes of the Ocoee River Recreation and Economic Development Fund Act to be carried out, the Board should be continued. These purposes are to:

1. Support recreational water releases on the Ocoee River.
2. Provide for management of the Ocoee River management zone by Tennessee State Parks.
3. Encourage economic growth of the Ocoee River.